Remarks/Arguments

In the non-final Office Action dated April 11, 2008, it is noted that: claims 1-14 are pending; claims 1-14 stand rejected. Claims 1, 4, 8 and 11 are independent.

Claims 4-7 and 11-14 have been amended herein to clarify the claimed subject matter. No new matter is entered.

The Office Action rejects claims 7 and 14 under 35 U.S.C. §101 as being directed to non-statutory subject matter. Claims 7 and 14 have been clarified. The rejection is obviated, therefore, it is respectfully requested the rejection be withdrawn.

The Office Action rejects claims 1-14 under 35 U.S.C. §102(e) by Shuster, (US 6,826,546).

Independent claim 1 includes the features of: depending on a result of the comparison, comparing at least one digital watermark associated with the respective first and second data sequences and thereby establishing an identity of the first data sequence.

On page 3 of the Office Action, Shuster's first checksum is being equated to applicants' first fingerprint (associated with a first data sequence), and Shuster's stored checksum is being equated to applicants' second fingerprint (associated with a second data sequence).

The Office then equates Shuster's second checksum with applicants' digital watermark. However, the equivalencies made by the Office cannot hold because applicants claim: at least one digital watermark associated with the respective first and second data sequences. In Shuster the first and second checksums are generated from a file corresponding to two different length portions of the file (col. 5, lines 50-64). Thus, the second checksum in Shuster is from a second portion of the file. The second checksum in Shuster is not associated with the first portion of the file from which the first check sum is calculated.

Therefore, the second checksum in Shuster cannot be said to be equivalent to applicants' claimed: at least one digital watermark associated with the respective first and second data sequences, because the second checksum in Shuster is associated

with a second portion of the file, which is different from the first portion. For at least the foregoing reasons, Shuster does not teach each and every feature of applicants' claim 1 and claim 1 is patentable over Shuster.

Independent claim 4 includes similar features of: depending on a result of the comparison, comparing at least one digital watermark associated with the respective first and second data sequences and thereby establishing an identity of the first data sequence. For at least the same reasons as in claim 1, it is respectfully submitted that claim 4 is likewise patentable over Shuster.

Claims 2, 3 and 7 depend from claim 1 and claims 5 and 6 depend from claim 4. Each dependent claim includes at least the above mentioned features of claims 1 or 4 and additional distinguishing features. Therefore, claims 2, 3 and 5-7 are also patentable.

Independent claim 8 includes the features of: depending on a result of the comparison, storing at least one digital watermark associated with the first data sequence, thereby providing information enabling identification of the first data sequence.

Independent claim 11 includes the features of: depending on a result of the comparison, storing at least one digital watermark associated with the first data sequence, thereby providing information enabling identification of the first data sequence.

For at least the same reasons as discussed above with respect to claim 1, the second checksum in Shuster cannot be said to be equivalent to applicants' claimed at least one digital watermark associated with the respective first and second data sequences, because the second checksum in Shuster is associated with a second portion of the file which is different from the first portion. Therefore, it is respectfully submitted that claims 8 and 11 are likewise patentable over Shuster.

Claims 9, 10 and 14 depend from claim 8 and claims 12 and 13 depend from claim 11. Each dependent claim includes at least the above mentioned features of claims 8 or 11 and additional distinguishing features. Therefore, Claims 9, 10 and 12-14 are also patentable.

Conclusion

In view of the foregoing, it is respectfully submitted that all the claims pending in this patent application are in condition for allowance. Reconsideration and allowance of all the claims are respectfully solicited.

In the event there are any errors with respect to the fees for this response or any other papers related to this response, the Director is hereby given permission to charge any shortages and credit any overcharges of any fees required for this submission to Deposit Account No. 14-1270.

Respectfully submitted,

/Brian S. Myers/
By: Brian Myers
Registration No.: 46,947
For: Larry Liberchuk,
Registration No.: 40,352

Mail all correspondence to:

Larry Liberchuk, Registration No. 40,352
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001